

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4230 OF 2006

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Dated: 03-03-2006

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Between

Kondri Chinnaiah

S/o. Venkanna

Occ: Agriculture,

R/o. Paradesipalem

Village and Mandal,

Visakhapatnam District.

...PETITIONER

AND

Mandal Revenue Officer,

Paradesipalem village and

Mandal, Visakhapatnam

District.

...RESPONDENT

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondent in dispossessing him from the land in Sy.No.133 of Paradesipalem Village and Mandal, Visakhapatnam District as illegal and arbitrary.

Learned counsel for the petitioner submits that the land in an extent of Ac.300 cents in

Sy.No.133 of Paradesipalem village and Mandal, Visakhapatnam District was assigned in favour of one

Sri Duvvu Appaiah vide G.O.Ms.No.1142/Revenue Department dated 18.02.1954 and after his death the said land devolved on his wife - Duvvu Appala Narasamma and son – Duvvu Appa Rao, who executed a lease deed in favour of the petitioner on 01.12.1996 for a period of 99 years in respect of the land in an extent of Ac.1.50 cents.

As petitioner has been in possession and enjoyment of the said land the Revenue Authorities issued a Ryot Passbook in his favour and the authorities have been collecting tax from the petitioner. While so, the respondent along with his staff came to the land of the petitioner on 28.02.2006 and threatened to dispossess him stating that it is a Government land.

I am not inclined to express any opinion with regard to the right, title and possession of the petitioner in respect of the land of Ac.1.50 cents situated in Sy.No.133 of Paradesipalem Village and Mandal, Visakhapatnam District. However, the respondent cannot dispossess the petitioner without following due process of law by taking appropriate action either under the Land Encroachment Act or any other relevant provisions in law.

Accordingly, the writ petition is disposed of directing the respondent not to dispossess the petitioner without following due process of law.

V. ESWARAI AH, J

March 3, 2006

DSK